

PETITION FOR ZONING VARIANCE
NW/4 Yellow Brick Road, 4930'
E of the c/l of Rossville Blvd.
(Lot 8B, Section III,
Rossville Industrial Park)
15th Election District
6th Councilmanic District
FRP Rossville Limited Part.
FRP, Maryland, Inc. - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 255 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet for a proposed office/warehouse building on the subject property as more particularly described on Petitioner's Exhibit I.

The Petitioners, by David H. deVilliers, President, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitioners were William F. Walker and John J. Stamm. There were no Protestants.

Testimony indicated that the subject property, known as Lot 8B, Section III of Rossville Industrial Park, consists of 5.19 acres more or less split zoned M.U.-I.M. and M.U.-L. and is presently vacant. Petitioners are desirous of constructing a 72,450 sq.ft. building for use as general office and warehouse space. However, a variance is needed in order to construct the proposed building due to the unique characteristics of the lot and the extreme slope of the property to the rear of the site. Testimony indicated that 25% of the rear of the lot is useless and that without the requested variance, Petitioners could not construct a building that would be consistent with other uses in the area. Testimony further indi-

ated that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding uses.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of February, 1992 that the Petition for Zoning Variance from Section 255 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet for a proposed office/warehouse building on the subject property,

- 2 -

in accordance with Petitioner's Exhibit I, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any building permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 2/11/92
By [Signature]

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 4, 1992

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/4 Yellow Brick Road, 4930' E of the c/l of Rossville Blvd.
(Lot 8B, Section III of Rossville Industrial Park)
15th Election District - 6th Councilmanic District
FRP Rossville Ltd. Part., FRP Maryland, Inc. - Petitioners
Case No. 92-252-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

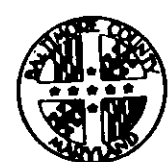
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255, BCZR to permit a side yard setback of 15 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
Robert A. Hoffman, Esquire
Venable, Baetjer & Howard

210 Allegheny Avenue

Towson, Maryland 21204

City and State

823-4111

Attorney's Telephone No.:

Legal Owner(s):
FRP Rossville Limited Partnership
FRP Maryland, Inc. General Partner

(Type or Print Name)
David H. deVilliers, President

(Type or Print Name)

Signature

FRP Development

34 Loveton Circle, Suite 100

771-4100

Address

Sparks, Maryland 21152

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman, Esquire

210 Allegheny Avenue

823-4111

Address

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: LC DATE 2/16/92

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
618 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany Petition
for Zoning Variance, Lot 8B, Section III,
ROSSVILLE INDUSTRIAL PARK.

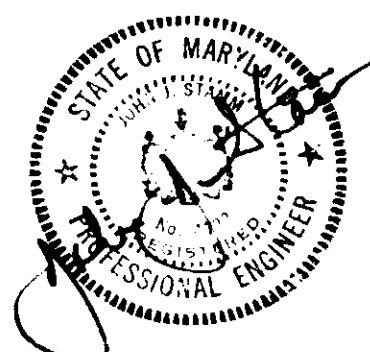
December 12, 1991

Beginning for the same at a point on the northwest side of Yellow Brick Road, 70 foot right of way, said point of beginning being 4930 feet +/- measured along the northwest side of said Yellow Brick Road from the center of Rossville Boulevard, running thence leaving said point of beginning binding on the northwest side of said Yellow Brick Road,

- 1) South 47 degrees 23 minutes 00 seconds West 307.00 feet, running thence leaving said road.
- 2) North 42 degrees 37 minutes 00 seconds West 733.18 feet to the southeast side of Philadelphia Road (MD. Route 7), running thence binding on the southeast side of said Philadelphia Road, the two following courses.
- 3) northeasterly by a curve to the right having a radius of 5689.65 feet for a distance of 136.93 feet, said curve being subtended by a chord bearing North 47 degrees 15 minutes 38 seconds East 136.93 feet and
- 4) North 47 degrees 57 minutes 00 seconds East 176.93 feet, running thence leaving said road, the two following courses.
- 5) South 41 degrees 13 minutes 00 seconds East 280.45 feet and
- 6) South 42 degrees 37 minutes 00 seconds East 451.35 feet to said point of beginning.

Containing 5.1885 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)



262

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 1571

Date of Posting: 2/12/92

Posted for: George Williams Stephens, Jr. & Associates, Inc.

Petitioner: FRP Rossville Limited Partnership

Location of property: Lot 8B, Rossville Industrial Park

Location of Sign: On property of petitioner, on the northwest side of Yellow Brick Road

Remarks: None

Date of return: 2/17/92

Posted by: [Signature]

Number of Signs: 1

CERTIFICATE OF PUBLICATION

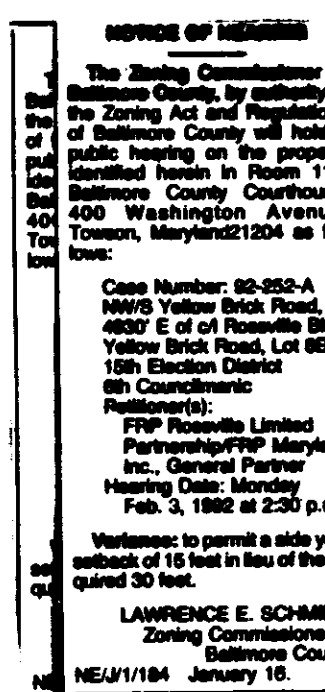
TOWSON, MD. 11/6, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/6, 1992

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

\$70.33
+ 25
\$95.33



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/6, 1992

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Olson
Publisher

\$70.33

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

Receipt

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

Receipt

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: _____

FRP Development
54 Loveton Circle, Suite 100
Sparks, Maryland 21152

RE:
JAE NUMBER: 92-252-A
845 Yellow Brick Road, 4930' E of 7/1 Rossville Boulevard
Yellow Brick Road, Lot 8B
5th Election District - 6th Councilmanic
Petitioner(s): FRP Rossville Limited Partnership/FRP Maryland, Inc., General Partner

Dear Petitioner(s):

Please be advised that \$ 750.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Robert A. Hoffman, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JAN 13 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein on

Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

JAE NUMBER: 92-252-A
845 Yellow Brick Road, 4930' E of 7/1 Rossville Boulevard
Yellow Brick Road, Lot 8B
5th Election District - 6th Councilmanic
Petitioner(s): FRP Rossville Limited Partnership/FRP Maryland, Inc., General Partner
HEARING: MONDAY, FEB. 3, 1992 at 2:30 p.m.

Variance to permit a side yard setback of 15 feet in lieu of the required 30 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: FRP Rossville Limited Partnership
Robert A. Hoffman, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 27, 1992

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 262, Case No. 92-252-A
Petitioner: FRP Rossville Limited
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: January 27, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
James E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 16th day of December, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: FRP Rossville Limited Partnership, et al
Petitioner's Attorney: Robert A. Hoffman

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: January 16, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 31, 1991

This office has no comments for item numbers 262, 263, 264, 267, 269 and 271.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500 (301) 887-4500

JANUARY 6, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRP ROSSVILLE LIMITED PARTN./FRP MD, INC.
GENERAL PARTNER

Location: YELLOW BRICK ROAD, LOT 8B

Item No.: 262 Zoning Agenda: DECEMBER 31, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

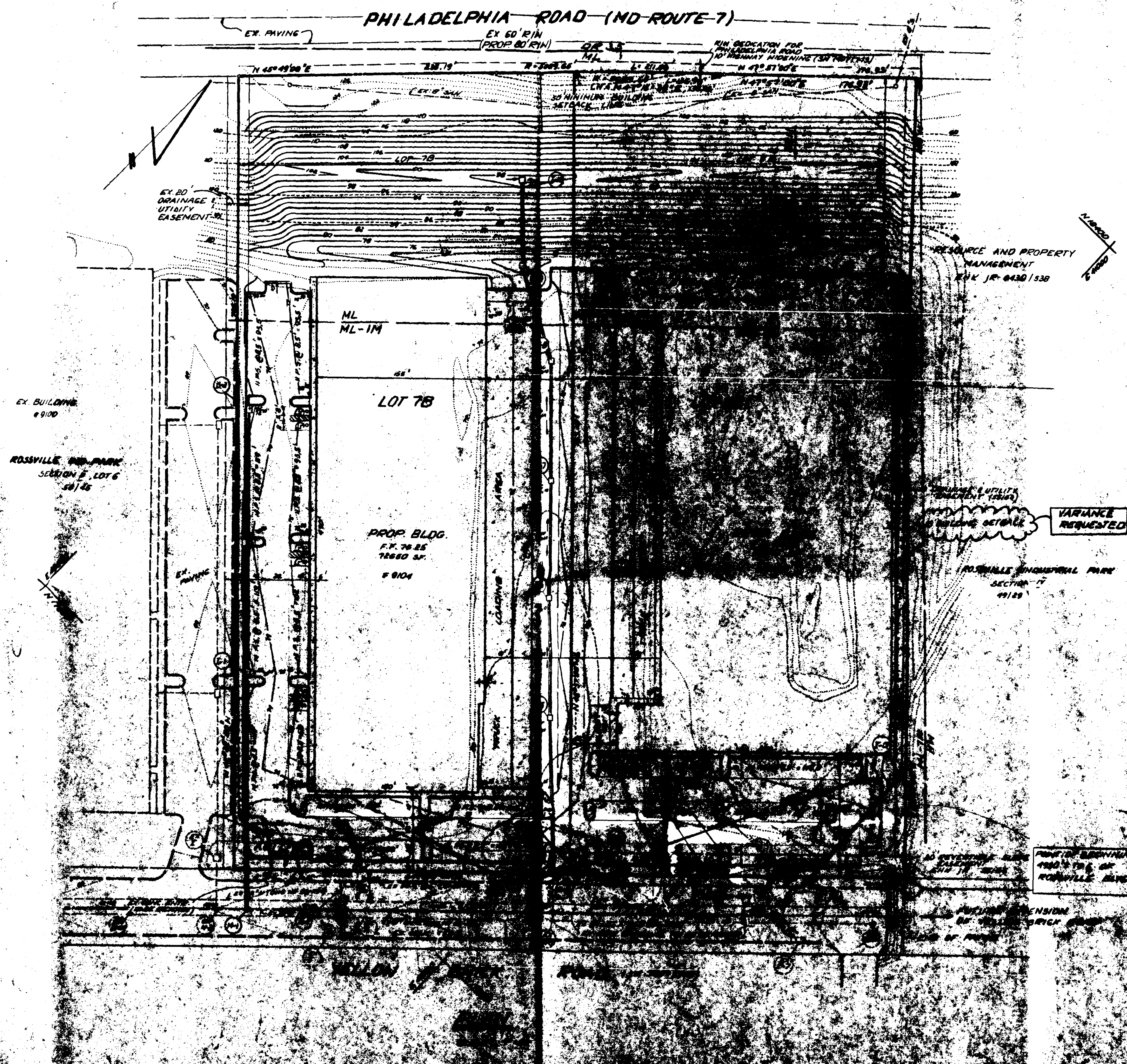
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEK

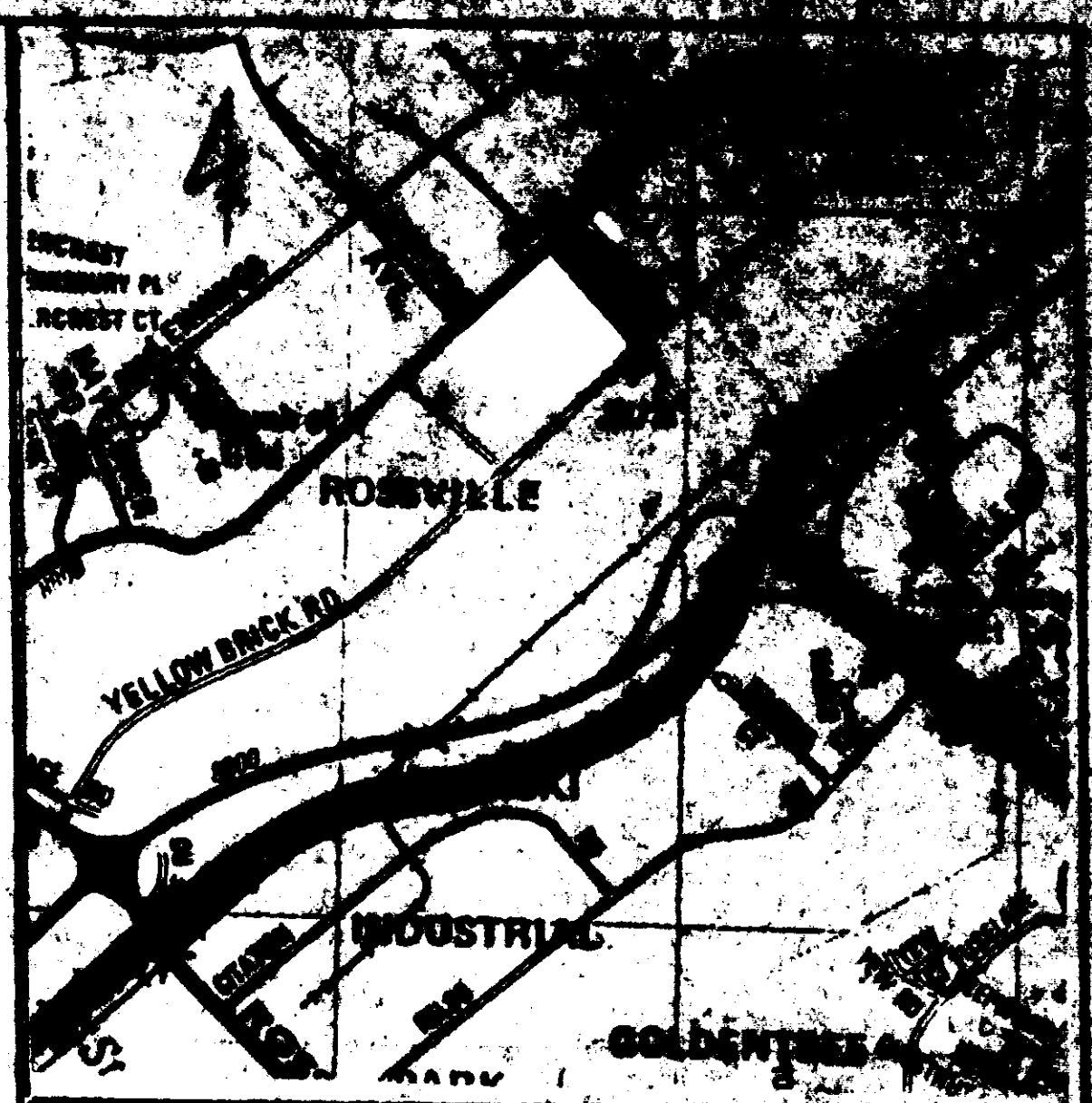
1. EXAMINE AND APPROVE THE 1946 COMPREHENSIVE ZONING MAP, ADOPTED BY ROSSVILLE COUNTY COUNCIL OCT. 13, 1946.
2. NO ZONING ORDINANCE APPLICABLE TO THE SUBJECT LOTS.

1. EXAMINE AND APPROVE THE 1946 COMPREHENSIVE ZONING MAP, ADOPTED BY ROSSVILLE COUNTY COUNCIL OCT. 13, 1946.
2. NO ZONING ORDINANCE APPLICABLE TO THE SUBJECT LOTS.



LEGEND

PROPERTY LINE	---
R/W LINE	---
PROPOSED EASEMENTS	---
EXISTING EASEMENTS	---
EXISTING DRIVE	---
EX. DRIVE	---
NEW DRIVE	---
EXIST. DRAIN	---
NEW DRAIN	---
EXIST. UTILITY	---
NEW UTILITY	---



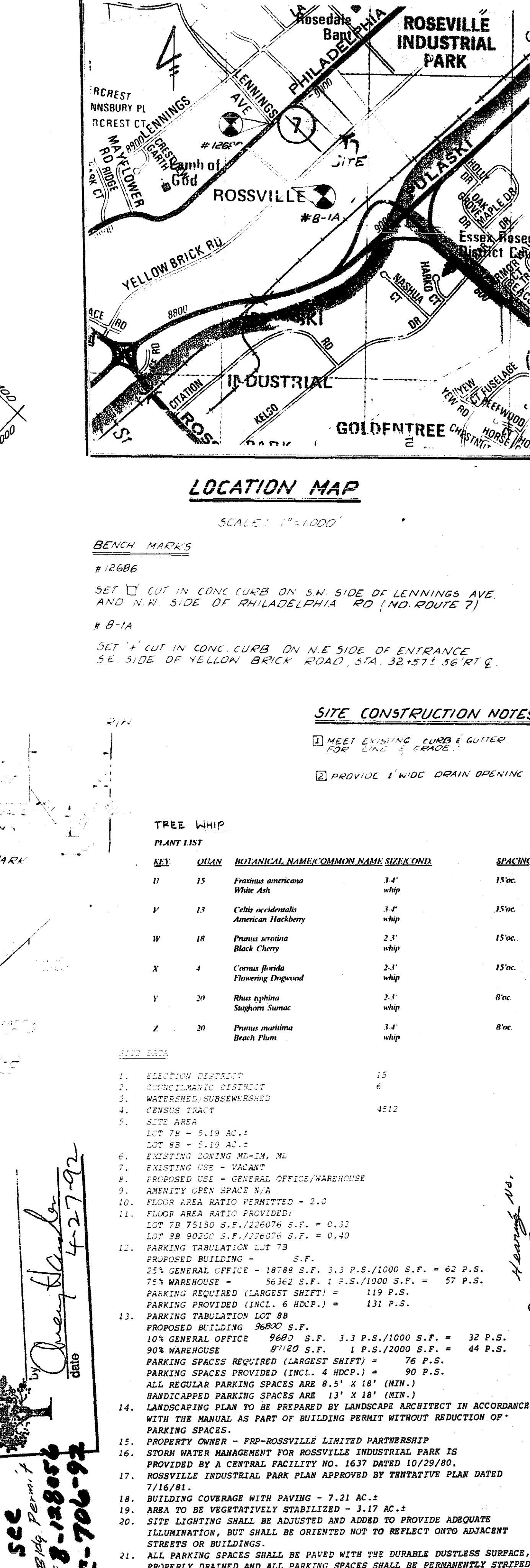
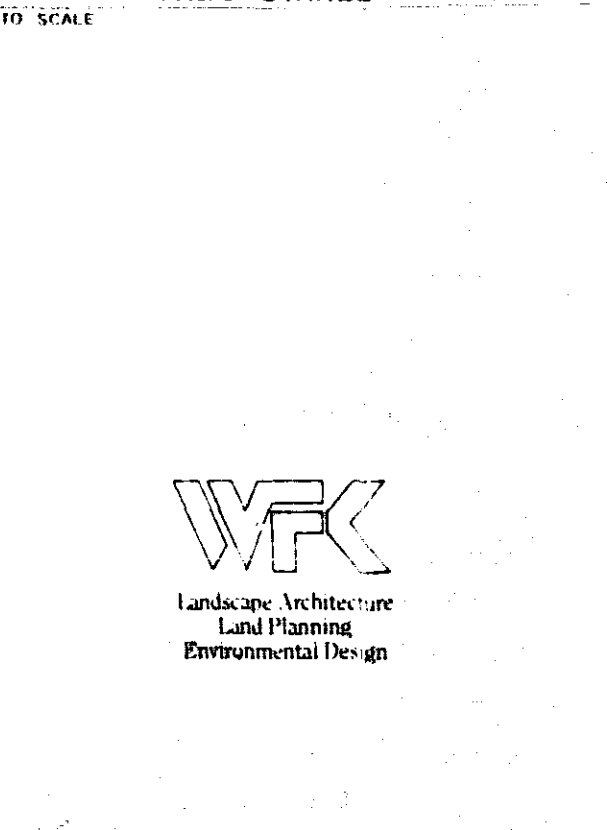
LOCATION MAP
SCALE: 1"=1000'

BENCH MARKS
#12685
SET 1 CUT IN CONC. CURB ON S.W. SIDE OF LEANING AVE. AND N.W. SIDE OF PHILADELPHIA RD (MD ROUTE 7)
#12686
SET 2 CUT IN CONC. CURB ON N.E. SIDE OF ENTRANCE S.E. SIDE OF YELLOW BRICK ROAD, STA. 32+57.3, 8671' E

1. EXAMINE AND APPROVE THE 1946 COMPREHENSIVE ZONING MAP, ADOPTED BY ROSSVILLE COUNTY COUNCIL OCT. 13, 1946.	
2. NO ZONING ORDINANCE APPLICABLE TO THE SUBJECT LOTS.	
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8. NO ZONING ORDINANCE APPLICABLE TO THE SUBJECT LOTS.	
9. EXAMINE AND APPROVE THE 1946 COMPREHENSIVE ZONING MAP, ADOPTED BY ROSSVILLE COUNTY COUNCIL OCT. 13, 1946.	
10. NO ZONING ORDINANCE APPLICABLE TO THE SUBJECT LOTS.	

[illegible]

Calculations	Planting Units Required	Planting Units Shown
Adjacent Roads	1240' @ 1 p.u./40' = 31 p.u.	
Class 'B' Screen	1240' @ 1 p.u./15' = 82.66 p.u.	
Parking	90sp. @ 1 p.u./12sp. = 7.5 p.u.	
	Total planting units = 121.16 p.u.	Total shown = 121 p.u.

[illegible]

ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR
UNDER MY SUPERVISION AND MEETS THE MINIMUM STANDARDS OF THE
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND THE BALTIMORE
COUNTY SOIL CONSERVATION DISTRICT

SIGNED _____ P.E. _____ DATE _____

DEVELOPER'S/LAND OWNER'S CERTIFICATION

I/WE HEREBY CERTIFY THAT ALL PROPOSED WORK SHOWN ON THE CONSTRUCTION DRAWING(S) AND ON THE APPROVED SEDIMENT CONTROL PLAN(S) WILL BE ACCOMPLISHED PURSUANT TO THESE PLANS. I/WE ALSO UNDERSTAND THAT IT IS MY/OUR RESPONSIBILITY TO HAVE THE CONSTRUCTION SUPERVISED AND CERTIFIED, INCLUDING THE SUBMITTAL OF ALL QUALITY PLANS WITHIN THIRTY (30) DAYS OF COMPLETION, BY A REGISTERED PROFESSIONAL ENGINEER.

SIGNED _____ DATE _____

FINAL LANDSCAPE PLAN
FOR
ROSSVILLE INDUSTRIAL PARK
LOT 7B & 8B
BALTIMORE CO., MD
15th ELEC. DIST.
DECEMBER 11, 1988
SHT 1 OF 2

